

Queensland



Statutory Instruments Act 1992

STATUTORY INSTRUMENTS REGULATION 1992

**Reprinted as in force on 22 July 1998
(includes amendments up to SL No. 119 of 1998)**

Reprint No. 5B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
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Information about this reprint

This regulation is reprinted as at 22 July 1998. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Queensland



**STATUTORY INSTRUMENTS
REGULATION 1992**

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STATUTORY INSTRUMENTS REGULATION 1992

[as amended by all amendments that commenced on or before 22 July 1998]

Short title

1. This regulation may be cited as the *Statutory Instruments Regulation 1992*.

Statutory instruments that are subordinate legislation

2.(1) Subject to section 3, if—

- (a) a statutory instrument is made under a provision of an Act commencing before the commencement of the *Statutory Instruments Act 1992*; and
- (b) the instrument would have been required to be laid before, and subject to disallowance by, the Legislative Assembly, had it been made immediately before the commencement of the *Statutory Instruments Act 1992*;

the statutory instrument is subordinate legislation.

(2) Subsection (1) does not apply to an instrument that, under a declaration made by an Act, is, or is not, subordinate legislation.

(3) A statutory instrument specified in Schedule 1 is subordinate legislation.

Statutory rules that are not subordinate legislation

3. A statutory rule specified in Schedule 2 is not subordinate legislation.

Exemptions from expiry—Act, s 56(1)(a)

4.(1) Replacement subordinate legislation is being drafted for the subordinate legislation mentioned in schedule 3 and is proposed to be made

before the end of 30 June 1999.

(2) Subordinate legislation mentioned in schedule 3, if not repealed on or before 1 July 1998, is exempt from expiry under part 7 of the Act for the period ending at midnight on 30 June 1999 (the “**exemption period**”).

(3) The exemption for an instrument of subordinate legislation ends if the instrument stops having effect during the exemption period.

Exemptions from expiry—Act, s 56(1)(b)

5.(1) Subordinate legislation mentioned in schedule 4, if not repealed on or before 1 July 1998—

(a) is exempt from expiry under part 7 of the Act for the period ending at midnight on 30 June 1999 (the “**exemption period**”); and

(b) is not proposed to be replaced at the end of the exemption period.

(2) The exemption for an instrument of subordinate legislation ends if the subordinate legislation stops having effect during the exemption period.

Exemptions from expiry—Act, s 56(1)(c)

6.(1) Subordinate legislation mentioned in schedule 5—

(a) is substantially uniform or complementary with legislation of the Commonwealth or another State; and

(b) is exempt from expiry under part 7 of the Act for the period ending at midnight on 30 June 2003 (the “**exemption period**”).

(2) The exemption for an instrument of subordinate legislation ends if the subordinate legislation stops having effect during the exemption period.

Exemptions from expiry—interpretation

7.(1) In schedules 3 and 4, a reference to subordinate legislation without expressly identifying it is a reference only to subordinate legislation of the type referred to that is not spent.

(2) A reference to subordinate legislation in schedules 3 to 5 includes a reference to the subordinate legislation as amended from time to time.

- (3) For subsection (1), subordinate legislation is “**spent**” if—
- (a) all of its operative provisions—
 - (i) have been expressly or impliedly repealed; or
 - (ii) are no longer in force; or
 - (iii) are incapable of operating; or
 - (b) it would be repealed under the *Acts Interpretation Act 1954*, section 22C¹ had it been made after 30 June 1994; or
 - (c) it is otherwise spent.

¹ Section 22C (Automatic repeal of amending Act)

SCHEDULE 1**STATUTORY INSTRUMENTS THAT ARE
SUBORDINATE LEGISLATION**

section 2(3) of this regulation

1. A statutory rule under the *Coal Mining Act 1925*.
2. An order in council under the *Corrective Services Act 1988*.
3. A statutory rule under the *Criminal Law Amendment Act 1945*, section 18(10).
4. An order in council under the *Indy Car Grand Prix Act 1990*, section 23.
5. A standard under the *Meat Industry Act 1993*.
6. A notice declaring a harvest period under a conservation plan under the *Nature Conservation Act 1992*.

SCHEDULE 2**STATUTORY RULES THAT ARE NOT
SUBORDINATE LEGISLATION**

section 3 of this regulation

1. A statutory rule under the *Acquisition of Land Act 1967*.
2. An order in council under the *Auctioneers and Agents Act 1971*, section 6.
3. An order in council under the *Industrial Development Act 1963*, section 6(3)(c).
4. An order in council under the *Industrial Development Act 1963*, section 6B.
5. A statutory rule under the *Land Act 1962* (other than a statutory rule under section 339 or 383).
6. An order in council under the *Primary Producers' Organisation and Marketing Act 1926*, section 37(1) or 40(2).
7. An order in council under the *River Improvement Trust Act 1940*, section 8.

SCHEDULE 3**EXEMPTIONS FROM EXPIRY—LEGISLATION FOR WHICH A REPLACEMENT IS BEING DRAFTED**

section 4

Animal Valuers Regulation 1987

Appeal Costs Fund Regulation 1974

Associations Incorporation Regulation 1982

Instruments made under the *Auctioneers and Agents Act 1971* and gazetted on 13 July 1974 at pages 1598-9 and on 18 June 1977 at pages 1055-6²

Auctioneers and Agents Regulation 1986

Instruments made as orders in council under the *Beach Protection Act 1968*, section 3 or 36³

Brisbane Forest Park By-law 1982

Casino Control Regulation 1984

Casino Gaming Rules 1985

City of Brisbane Market Regulation 1982

Coastal Management Control Districts (Requirements for Buildings or Other Structures) Regulation 1984

Coroners Rules 1959

Court Funds Regulation 1988

Farm Produce Marketing Regulation 1984

Fluoridation of Public Water Supplies Regulation 1964

² The instruments approve codes of professional conduct.

³ Sections 3 (Meaning of terms) and 36 (Coastal management control districts)

SCHEDULE 3 (continued)

Instruments in force under the *Forestry Act 1959* setting apart land as timber reserves

Forestry Regulation 1987

Fruit Marketing Organisation Regulation 1964

Land Tax Regulation 1936

By-law No. 3 (Trespass) of the Mount Isa Water Board gazetted on 14 January 1978 at page 99

Instruments made as orders in council and in force under the *Primary Producers' Organisation and Marketing Act 1926* establishing or making provision in relation to the Queensland Dairymen's State Council

Primary Producers' Organisation and Marketing (Queensland Cane Growers' Organisation) Regulation 1987

Queensland Dairymen's State Council Regulation 1947

Queensland Law Society (Indemnity) Rule 1987

Queensland Law Society Rule 1987

Pay-roll Tax Regulation 1971

Racing and Betting Regulation 1981

Sawmills Licensing Regulation 1965

Sewerage and Water Supply Regulation 1987

By-law No. 3 of the South Burdekin Water Board gazetted on 6 February 1982 at page 421

The following instruments made as orders in council under the *Stamp Act 1894*—

- the instrument declaring Sepon (Australia) Pty Limited to be a prescribed corporation and gazetted on 19 April 1986 at page 1853
- the instrument prescribing Australian Stock Exchange (Brisbane) Limited to be a prescribed stock exchange and gazetted on 4 April 1987 at page 1642

Stamp Duties Regulation 1926

SCHEDULE 3 (continued)

State Counter-Disaster Organisation Regulation 1975

Stock Identification Regulation 1985

Stock Regulation 1988

Tow Truck Regulation 1988

Traffic Regulation 1962

Trust Accounts Regulation 1973

Instruments (other than by-laws) in force under the *Water Resources Act 1989* establishing, declaring or making provision about areas as defined in that Act

SCHEDULE 4**EXEMPTIONS FROM EXPIRY—LEGISLATION NOT
PROPOSED TO BE REPLACED**

section 5

Adoption of Children Regulation 1988

Barrier Reef Island Jetty Regulation 1971

Boat Ramp Regulation 1972

Bowen Harbour Board By-law 1977

Brisbane City Council Rules of Procedure Order 1939

The instruments made as orders in council under the *Carriage of Dangerous Goods by Road Act 1984*, section 16 or 28, and gazetted on 20 August 1988 at page 3523⁴

Children's Services Regulation 1966

Coal Mining Certificate and Winding License Rule 1988

Coal Mining (General Rules for Open-cut Coal Mines) Rule 1988

Coal Mining (Underground Coal Mines) General Rule 1983

Coal Mining (Underground Coal Mines) Special Rule 1983

Code of Symbols for Mine Plans

Cremation Regulation 1987

Dental By-law 1988

Explosives Regulation 1955

Gold Coast Waterways Authority By-law 1980

⁴ Sections 16 (Unlicensed carriage an offence) and 28 (Recognition of inter-State authority)

 SCHEDULE 4 (continued)

The following statutes made by the council of Griffith University—

- Statute 2.3—Convocation gazetted on 13 February 1988 at page 758
- Statute 8.2—Student Good Order gazetted on 5 September 1981 at pages 73–5
- Statute 8.4—Appeals gazetted on 12 December 1987 at pages 1393–4

Harbours (Reclamation of Land) Regulation 1979

Health (Private Hospitals) Regulation 1978

Houseboats By-law 1978

Litter Regulation 1988

Marine Land Dredging By-law 1987

Medical Assessment Tribunal Regulation 1987

Medical Board of Queensland By-law 1987

Mental Health Regulation 1985

Metalliferous Mining Regulation 1985

Instruments made as orders in council under the *Mines Regulation Act 1964*, section 6⁵

Mooloolaba Boat Harbour By-law 1976

The instrument made as an order in council under the *Motor Vehicles Safety Act 1980*, section 37,⁶ and published in the industrial gazette on 31 January 1981 at page 175

Northern Pig Marketing Board Exemption Regulation 1969

Petroleum Regulation 1966

Pharmacy By-law 1985

Physiotherapists Regulation 1965

Instruments made as orders in council and in force under the *Primary*

⁵ Section 6 (Application of Act)

⁶ Section 37 (Application of ss 32-34)

SCHEDULE 4 (continued)

Producers' Organisation and Marketing Act 1926 establishing or making provision in relation to a board⁷ within the meaning of that Act (other than instruments mentioned in schedule 3)

Public Service Management and Employment Regulation 1988

The statute of the Queensland University of Technology made as By-law No. 9 of the Queensland Institute of Technology and gazetted on 23 September 1972 at pages 420 to 422⁸

Radioactive Substances Regulation 1961

The instrument made as an order in council under the *Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1980* gazetted on 28 March 1981 at page 1184

Rosslyn Bay Boat Harbour By-law 1980

Snapper Creek and Urangan Boat Harbours By-law 1976

State Transport Regulation 1987

Underground Belt Conveyor Rule

Underground Coal Mines Electrical Rule 1971

Underground Coal Mines Fire Precautions Rule 1978

⁷ “**Board**” includes the State council of each producer representative body and each marketing board. See the Act, section 2.

⁸ The by-law is taken to be a statute of the Queensland University of Technology under the *Queensland University of Technology Act 1988*, section 86.

SCHEDULE 5**EXEMPTIONS FROM EXPIRY—LEGISLATION
SUBSTANTIALLY UNIFORM OR
COMPLEMENTARY WITH LEGISLATION OF THE
COMMONWEALTH OR ANOTHER STATE**

section 6

Credit (Australian Films Exemption) Order No. 4 1988

Credit (Continuing Credit Contract Interest Charges) Order No. 9 1988

Credit (Powers of Mortgagee) Order No. 1 1988

Credit (Recognised States) Order No. 5 1988

Credit Regulation 1988

Credit (Sydney Futures Exchange Ltd) Order No. 8 1988

Credit (Term Loans) Order No. 2 1988

Credit (Variation of Insurance) Order No. 6 1988

Proclamations made under the *Maintenance Act 1965*, section 98⁹

Maintenance Regulation 1967

The zoning plan for the Mackay/Capricorn Marine Park approved in the instrument—

(a) made as an order in council under the *Marine Parks Act 1982*;
and

(b) gazetted on 27 August 1988 at pages 3657–8

The zoning plan for the Townsville-Whitsunday Marine Park approved in the instrument—

⁹ The proclamations make declarations for the purposes of certain countries becoming reciprocating countries.

SCHEDULE 5 (continued)

- (a) made as an order in council under the *Marine Parks Act 1982*;
and
- (b) gazetted on 3 October 1987 at page 395

National Crime Authority (State Provisions) Regulation 1986

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 22 July 1998. Future amendments of the Statutory Instruments Regulation 1992 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	prev	=	previous
amd	=	amended	(prev)	=	previously
amdt	=	amendment	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
o in c	=	order in council	sch	=	schedule
om	=	omitted	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to SL No. 217 of 1992	1 October 1992
2	to SL No. 89 of 1993	22 April 1993
3	to SL No. 137 of 1993	10 June 1993
4	to SL No. 382 of 1993	17 January 1994
5	to SL No. 423 of 1994	21 December 1994
5A	to SL No. 119 of 1998	18 May 1998

5 List of legislation

Statutory Instruments Regulation 1992 SL No. 135
 made by the Governor in Council on 15 June 1992
 pubd gaz 15 June 1992 pp 1248–51
 commenced on date of publication
exp 15 June 2002 (see SIA s 54)
 as amended by—

Statutory Instruments Amendment Regulation (No. 1) 1992 SL No. 217
 notfd gaz 17 July 1992 pp 2431–2
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 1992 SL No. 328
 notfd gaz 30 October 1992 pp 1178–80
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 3) 1992 SL No. 460
 notfd gaz 18 December 1992 pp 1988–96
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 1993 SL No. 41
 notfd gaz 26 February 1993 pp 770–2
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 1993 SL No. 57
 notfd gaz 12 March 1993 pp 1099–101
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 3) 1993 SL No. 89
 notfd gaz 2 April 1993 pp 1665–6
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 4) 1993 SL No. 137

notfd gaz 14 May 1993 pp 445–7
 commenced on day of notification

Statutory Instruments Amendment Regulation (No. 5) 1993 SL No. 197

notfd gaz 11 June 1993 pp 874–6
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 6) 1993 SL No. 247

notfd gaz 2 July 1993 pp 1255–7
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 7) 1993 SL No. 291

notfd gaz 6 August 1993 pp 1682–5
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 8) 1993 SL No. 382

notfd gaz 22 October 1993 pp 695–7
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 1994 SL No. 93

notfd gaz 25 March 1994 pp 1228–32
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 2) 1994 SL No. 422

notfd gaz 9 December 1994 pp 1575–8
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 3) 1994 SL No. 423

notfd gaz 9 December 1994 pp 1575–8
 commenced on date of notification

Statutory Instruments Amendment Regulation (No. 1) 1998 SL No. 119

notfd gaz 15 May 1998 pp 311–16
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 1998 (see s 2)

6 List of annotations**Exemptions from expiry—Act, s 56(1)(a)**

s 4 ins 1998 SL No. 119 s 4

Exemptions from expiry—Act, s 56(1)(b)

s 5 ins 1998 SL No. 119 s 4

Exemptions from expiry—Act, s 56(1)(c)

s 6 ins 1998 SL No. 119 s 4

Exemptions from expiry—interpretation

s 7 ins 1998 SL No. 119 s 4

SCHEDULE 1—STATUTORY INSTRUMENTS THAT ARE SUBORDINATE LEGISLATION

sch hdg ins 1994 SL No. 422 s 3
 amd 1992 SL No. 217 s 3; 1992 SL No. 328 s 3
 sub 1992 SL No. 460 s 3
 amd 1993 SL No. 41 s 3; 1993 SL No. 57 s 3; 1993 SL No. 89 s 3; 1993
 SL No. 137 s 3; 1993 SL No. 197 s 3
 sub 1993 No. 247 s 3
 amd 1993 No. 291 s 3; 1993 No. 382 s 3; 1994 SL No. 93 s 3; 1994 SL
 No. 422 s 3; 1994 SL No. 423 s 3; 1998 SL No. 119 s 5

SCHEDULE 2—STATUTORY RULES THAT ARE NOT SUBORDINATE LEGISLATION

sch hdg ins 1994 SL No. 422 s 4
 amd 1992 SL No. 328 s 4; 1992 SL No. 460 s 4; 1993 SL No. 57 s 4; 1993
 SL No. 89 s 4; 1993 SL No. 197 s 4
 sub 1993 No. 247 s 4
 amd 1993 No. 291 s 4; 1993 No. 382 s 4; 1994 SL No. 93 s 4; 1994 SL
 No. 422 s 4; 1998 SL No. 119 s 6

SCHEDULE 3—EXEMPTIONS FROM EXPIRY—LEGISLATION FOR WHICH A REPLACEMENT IS BEING DRAFTED

ins 1998 SL No. 119 s 7

SCHEDULE 4—EXEMPTIONS FROM EXPIRY—LEGISLATION NOT PROPOSED TO BE REPLACED

ins 1998 SL No. 119 s 7

SCHEDULE 5—EXEMPTIONS FROM EXPIRY—LEGISLATION SUBSTANTIALLY UNIFORM OR COMPLEMENTARY WITH LEGISLATION OF THE COMMONWEALTH OR ANOTHER STATE

ins 1998 SL No. 119 s 7